

Expectations of the Ultimate Purchaser

Both parties agree that the expectation of the ultimate purchaser of the forgings at issue is to produce a TRB or an AFB. Timken submits that since the goal of the forging process is to come as close as possible to the shape of the finished part and thus to reduce the amount of scrap metal, the expectation of the purchaser is the same as that of any other unfinished TRB part, which is to produce a finished bearing.

Koyo argues that this criterion is, at best, unhelpful, since the expectation of purchasers of articles that are admittedly outside the scope is also to incorporate them into TRBs.

The Department's Position

All parties agree that the expectation of purchasers of the forgings in question is to incorporate them into TRBs, or, in some cases, AFBs. Although other products, such as raw materials, may be imported with the same expectation, this does not negate the argument that importers of forgings expect to use them in a limited range of model numbers. Forgings are imported into the United States tagged with the specific model number or numbers of TRB parts to be manufactured from the forging. Therefore, this criterion also indicates that forgings are within the scope.

Ultimate Use

Koyo argues that since some forgings, especially tower forgings, are sometimes used for items outside the scope of the order, this criterion indicates that forgings are outside the scope. Koyo argues that forgings are not dedicated to use in the same manner as green rings, which are agreed to be within the scope. Koyo argues that the Department may not base a finding that merchandise is within the scope on the ultimate-use criterion when there is evidence that the product is not dedicated for use solely in merchandise within the scope of the order.

Timken argues that there are no significant alternate uses for these forgings other than the manufacture of TRBs. Although it is possible to make both an AFB and a TRB from a single tower forging, the use of these tapered forgings to produce AFBs or other non-scope merchandise is unusual and not cost-effective. Timken suggests that Koyo knows how the forgings will ultimately be used at the time they are produced, and that Koyo could easily identify which forgings are destined for TRBs and which are for AFBs.

Koyo submits that, regardless of whether the use of these forgings for anything other than TRBs is cost-

effective, a forging is not dedicated to use until it is green-machined. This is particularly true of a tower forging, which must be separated into two rings.

The Department's Position

The forgings in question will almost certainly be made into finished cups and cones for TRBs. Although other uses such as incorporation into AFBs are possible, they are merely alternatives to the main use. We agree with Timken that multiple-use forgings are not cost-effective on a commercial scale. We also note that other examiners of the product, such as Customs inspectors, recognize that the essential dedication of these forgings to use in the production of a TRB defines them as TRB parts. For example, in a 1990 ruling on similar forgings manufactured by another company, the U.S. Customs Service stated:

After importation, the articles will be processed into inner and outer rings for bearings by cutting and forming operations . . . there is no evidence or claim that the forgings have any other use . . . The forgings, which must be cut and machined after importation, are blanks which are unfinished inner and outer rings and classified as parts of ball or roller bearings in subheading 8482.99.10 or 8482.99.30, HTSUSA, depending on whether they are blanks for ball bearings or for tapered roller bearings. (Customs Classification Letter of April 26, 1990, to Robert E. Burke, Esq., of Barnes, Richardson & Colburn (HQ 085579).)

Although classifications decisions by Customs are not determinative of the scope of an antidumping duty order, they can be indicative; this ruling provides perspective on the ultimate-use criterion, and, therefore, merits consideration. The ultimate-use criterion dictates that forgings fall within the scope.

Effective Date

Koyo argues that if the Department concludes in its final determination that forgings are within the scope, the determination must be effective prospectively, as of the date of publication in the **Federal Register**. Timken did not comment on this issue.

Department's Position

A scope determination is, by law, a clarification of what the scope of the order was at the time the order was issued. Therefore, the Department will incorporate this decision into all pending reviews of this order as well as all future reviews.

Conclusion

Based primarily on the physical characteristics of the forgings, their ultimate use, the expectations of the

ultimate purchaser, and the channels of trade, the Department determines that Koyo's rough forgings, defined above and including hot forgings, cold forgings, and tower forgings, are within the scope of the order.

Dated: January 26, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95-2609 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DS-P

President's Export Council: Meeting of the President's Export Council

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of a closed meeting.

SUMMARY: The President's Export Council (Council) is holding its inaugural meeting. The meeting must be closed to the public to discuss classified material. The Council will discuss issues relating to relations with our trading partners, export controls and other sensitive matters properly classified under Executive Order 12356. The President's Export Council was established on December 20, 1973, and reconstituted May 4, 1979 to advise the President on matters relating to U.S. export trade. It was most recently renewed on September 30, 1993, by Executive Order 12689.

A Notice of Determination to close meetings or portions of meetings of the Council to the public on the basis of 5 U.S.C. 552b(c)(1) has been approved in accordance with the Federal Advisory Committee Act. A copy of the notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6204, U.S. Department of Commerce, 202-482-4115.

DATES: February 13, 1995, from 9:00 a.m.-12:30 p.m.

ADDRESSES: Indian Treaty Room, Old Executive Office Building, Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Jane Siegel, President's Export Council, room 2015B, Washington, DC 20230.

Dated: January 26, 1995.

Jane Siegel,

Staff Director and Executive Secretary, President's Export Council.

[FR Doc. 95-2508 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DR-M

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of opportunity to request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

BACKGROUND: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended, may request, in accordance with Section 353.22 or 355.22 of the Department of Commerce (the Department) Regulations (19 CFR 353.22/355.22 (1993)), that the Department conduct an administrative

review of that antidumping or countervailing duty order, finding, or suspended investigation.

OPPORTUNITY TO REQUEST A REVIEW: Not later than February 28, 1995, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

	Period
<i>Antidumping Duty Proceedings:</i>	
Austria: Railway Track Maintenance Equipment, (A-433-063)	02/01/94-01/31/95
Canada: Racing Plates, (A-122-050)	02/01/94-01/31/95
Germany: Sodium Thiosulfate, (A-428-807)	02/01/94-01/31/95
India: Forged Stainless Steel Flanges, (A-533-809)	02/09/94-01/31/95
Japan: Benzyl Paraben, (A-588-816)	02/01/94-01/31/95
Japan: Carbon Steel Butt-Weld Pipe Fittings, (A-588-602)	02/01/94-01/31/95
Japan: Melamine, (A-588-056)	02/01/94-01/31/95
Japan: Mechanical Transfer Presses, (A-588-810)	02/01/94-01/31/95
Taiwan: Forged Stainless Steel Flanges, (A-583-821)	02/09/94-01/31/95
The People's Republic of China: Axes/Adzes, (A-570-803)	02/01/94-01/31/95
The People's Republic of China: Bars/Wedges, (A-570-803)	02/01/94-01/31/95
The People's Republic of China: Hammers/Sledges, (A-570-803)	02/01/94-01/31/95
The People's Republic of China: Picks/Mattocks, (A-570-803)	02/01/94-01/31/95
The People's Republic of China: Natural Bristle Paint Brushes, (A-570-501)	02/01/94-01/31/95
The People's Republic of China: Sodium Thiosulfate, (A-570-805)	02/01/94-01/31/95
The Republic of Korea: Certain Small Business Telephone Systems and Subassemblies Thereof, (A-580-803)	02/01/94-01/31/95
The Republic of Korea: Stainless Steel Butt-Weld Pipe Fittings, (A-580-813)	02/01/94-01/31/95
United Kingdom: Sodium Thiosulfate, (A-412-805)	02/01/94-01/31/95
<i>Suspension Agreements:</i>	
Venezuela: Gray Portland Cement and Clinker, (A-307-803)	02/01/94-01/31/95
<i>Countervailing Duty Proceedings:</i>	
Peru: Cotton Sheeting and Sateen, (C-333-001)	01/01/94-12/31/94
Peru: Cotton Yarn, (C-333-002)	01/01/94-12/31/94
Thailand: Malleable Iron Pipe Fittings, (C-549-803)	01/01/94-12/31/94

In accordance with sections 353.22(a) and 355.22(a) of the regulations, an interested party as defined by section 353.2(k) may request in writing that the Secretary conduct an administrative review. For antidumping reviews, the interested party must specify for which individual producers or resellers covered by an antidumping finding or order it is requesting a review, and the requesting party must state why it desires the Secretary to review those particular producers or resellers. If the interested party intends for the Secretary to review sales of merchandise by a reseller (or a producer if that producer also resells merchandise from other suppliers) which were produced in more than one country of origin, and each country of origin is subject to a separate order, then the interested party must state specifically which reseller(s) and which countries of origin for each reseller the request is intended to cover.

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, room B-099, U.S.

Department of Commerce, Washington, DC 20230. The Department also asks parties to serve a copy of their requests to the Office of Antidumping Compliance, Attention: John Kugelman, in room 3065 of the main Commerce Building. Further, in accordance with section 353.31(g) or 355.31(g) of the regulations, a copy of each request must be served on every party on the Department's service list.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by February 28, 1995. If the Department does not receive, by February 28, 1995, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse,

for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: January 27, 1995.

Roland L. MacDonald,
Acting Deputy Assistant Secretary for Compliance.

[FR Doc. 95-2619 Filed 2-1-95; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of availability of evaluation findings.